

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
DTG Operations Inc. d/b/a Dollar Rent-A-Car	)	File Number: EB-09-SD-0152
	)	NAL/Acct. No.: 201132940001
San Diego, California	)	FRN: 0019529643
	)	

**FORFEITURE ORDER**

**Adopted: April 3, 2012****Released: April 4, 2012**

By the Regional Director, Western Region, Enforcement Bureau:

**I. INTRODUCTION**

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of twelve thousand dollars (\$12,000) to DTG Operations Inc., d/b/a Dollar Rent-A-Car (Dollar) in San Diego, California, for willfully and repeatedly violating Section 301 of the Communications Act of 1934, as amended (Act),<sup>1</sup> by operating an unlicensed transmitter; and violating Section 1.903(a) of the Commission's rules (Rules),<sup>2</sup> which requires stations in the Wireless Radio Services to operate in accordance with the provisions of the rule that are applicable to their particular service and only with a valid authorization granted by the Commission. The noted violations involved Dollar's operation on frequency 452.250 MHz without Commission authorization.

**II. BACKGROUND**

2. After receiving complaints from the Federal Aviation Administration (FAA) of intermittent interference to three ground control frequencies used by air traffic controllers at the San Diego International Airport, agents from the Enforcement Bureau's San Diego Office (San Diego Office) used mobile direction finding equipment on December 11 and 14, 2009, to locate the source of the interference to spurious signals emitted from a transmitter on a Dollar airport shuttle bus. The transmitter on the shuttle bus was operating on frequency 452.250 MHz, and emitting spurious signals as well, which were causing interference to the ground control frequencies. On December 14, 2009, during an inspection by the San Diego agents at Dollar's facility located near the San Diego International Airport, the manager of the facility took the transmitter that was the source of the spurious signals out of service and acknowledged that Dollar had no authorization to operate on frequency 452.250 MHz at the San Diego location.

3. On January 12, 2010, the San Diego Office issued a letter of inquiry (*LOI*) to Dollar.<sup>3</sup> On March 10, 2010, the San Diego Office received a reply to the *LOI* from Dollar's senior maintenance

---

<sup>1</sup> 47 U.S.C. § 301.

<sup>2</sup> 47 C.F.R. § 1.903(a).

<sup>3</sup> See Letter of Inquiry from William R. Zears, Jr., District Director, San Diego Office, Western Region, FCC Enforcement Bureau, to Dollar Rent-A-Car (Jan. 11, 2010) (on file in EB-09-SD-0152).

manager.<sup>4</sup> In its *LOI Response*, Dollar acknowledged that it did not have authorization to operate on 452.250 MHz in San Diego.<sup>5</sup> Dollar provided a copy of an FCC Industrial/Business radio station authorization, WQLJ666, granted by the Commission on February 16, 2010, for operation on 463.450 MHz and 463.7375 MHz.<sup>6</sup> Dollar stated that its radios were installed by a local radio company in 1998, and had been in use on 452.250 MHz since that time.<sup>7</sup>

4. On December 10, 2010, the San Diego Office issued a Notice of Apparent Liability for Forfeiture (*NAL*) in the amount of \$12,000 to Dollar for operating a land mobile station in San Diego, California, without the requisite Commission authorization.<sup>8</sup> Dollar responded to the *NAL* on December 20, 2010.<sup>9</sup> In its *Response*, Dollar requests that we reduce the proposed forfeiture because the violation was “an unintentional mistake,” which Dollar readily admitted, and because Dollar cooperated fully in the investigation.<sup>10</sup>

### III. DISCUSSION

5. The proposed forfeiture amount in this case was assessed in accordance with Section 503(b) of the Communications Act of 1934, as amended (Act),<sup>11</sup> Section 1.80 of the Rules,<sup>12</sup> and the Commission’s *Forfeiture Policy Statement*.<sup>13</sup> In examining Dollar’s response, Section 503(b) of the Act requires that the Commission take into account the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.<sup>14</sup> We considered Dollar’s response to the *NAL* in light of these statutory factors and find that reduction of the forfeiture is not warranted.

6. Section 301 of the Act states that “[n]o person shall use or operate any apparatus for the transmission of energy or communications or signals by radio . . . except under and in accordance with this Act and with a license in that behalf granted under the provisions of this Act.”<sup>15</sup> Section 1.903(a) of the Rules states that “[s]tatements in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid

---

<sup>4</sup> See Letter from James S. Anderson, Maintenance Manager, DTG Operations, Inc., to William R. Zears, Jr., District Director, San Diego Office, Western Region, FCC Enforcement Bureau (filed Mar. 10, 2010) (on file in EB-SD-09-0152) (*LOI Response*).

<sup>5</sup> *Id.* at 1.

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.* at 1.

<sup>8</sup> *DTG Operations Inc. d/b/a Dollar Rent-A-Car*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 17144 (Enf. Bur., San Diego Office 2010) (*NAL*).

<sup>9</sup> See Response of Dollar (filed Dec. 20, 2010) (on file in EB-09-SD-0152) (*Response*).

<sup>10</sup> See *id.* at 1.

<sup>11</sup> 47 U.S.C. § 503(b).

<sup>12</sup> 47 C.F.R. § 1.80.

<sup>13</sup> *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recons. denied*, 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*).

<sup>14</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>15</sup> 47 U.S.C. § 301.

authorization granted by the Commission . . . .”<sup>16</sup> On December 11, 2009, and December 14, 2009, agents from the San Diego Office determined that an unlicensed land mobile radio system was operating on the frequency 452.250 MHz from a Dollar airport shuttle bus. Dollar admitted to the San Diego agents that it did not have an FCC authorization to operate on 452.250 MHz in the San Diego area.

7. Although Dollar does not dispute the factual findings in the *NAL*, it asks for a reduction of the proposed forfeiture, claiming that the mistake was unintentional.<sup>17</sup> The fact that Dollar’s unauthorized operation may have resulted from an unintentional mistake does not excuse the particular violations found in this case. Under the applicable statute, the Commission need not demonstrate an intent to violate a rule to make a finding that a licensee engaged in willful misconduct. As stated in the *NAL*, Section 312(f)(1) of the Act,<sup>18</sup> which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that “[t]he term ‘willful,’ when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act or any rule or regulation of the Commission authorized by this Act . . . .”<sup>19</sup> As the facts are undisputed that Dollar personnel operated the transmitter on frequency 452.250 MHz on the dates in question without Commission authorization, we find that its violation of Section 301 of the Act and Section 1.903(a) of the rules was therefore, according to Commission precedent, willful.

8. Dollar also argues that a reduction is justified because it readily admitted its mistake and fully cooperated with the investigation.<sup>20</sup> While we appreciate Dollar’s cooperation, the overall facts in this case do not justify a reduction in the proposed forfeiture amount, especially when the record evidence shows that Dollar had been in violation of the Act and our Rules for a significant amount of time, and because the unauthorized operations caused interference with FAA operations, a serious public safety concern.<sup>21</sup> Accordingly, as a result of our review of Dollar’s *NAL Response*, pursuant to the statutory factors above, and in conjunction with the *Forfeiture Policy Statement*, we conclude that Dollar willfully and repeatedly violated Section 301 of the Act and Section 1.903(a) of the Rules. Considering the entire record and the factors listed above, we find that a forfeiture in the amount of \$12,000 is warranted.

#### IV. ORDERING CLAUSES

9. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.111, 0.204, 0.311, 0.314, and 1.80(f)(4) of the Commission’s Rules, DTG Operations Inc., d/b/a Dollar Rent-A-Car, **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of twelve thousand dollars (\$12,000) for willfully and repeatedly violating Section 301 of the Communications Act of 1934, as amended, and Section 1.903(a) of the Commission’s rules.<sup>22</sup>

---

<sup>16</sup> 47 C.F.R. § 1.903(a).

<sup>17</sup> See *Response* at 1.

<sup>18</sup> 47 U.S.C. § 312(f)(1).

<sup>19</sup> *NAL*, 25 FCC Rcd at 17145 n.7 (quoting *Application for Review of Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388 (1991)).

<sup>20</sup> *Response* at 1.

<sup>21</sup> See *Five Star Parking d/b/a Five Star Dispatch*, Forfeiture Order, 23 FCC Rcd 2649, 2651 (Enf. Bur. 2008) (responsive and cooperative behavior from the subject of an investigation is expected and does not justify reduction or cancelation of a forfeiture).

<sup>22</sup> 47 U.S.C. §§ 301, 503(b); 47 C.F.R. §§ 0.111, 0.204, 0.311, 0.314, 1.80(f)(4), 1.903(a).

10. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days of the release of this Forfeiture Order. If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for collection pursuant to Section 504(a) of the Act.<sup>23</sup> Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account number and FRN referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov) with any questions regarding payment procedures. DTG Operations Inc., d/b/a Dollar Rent-A-Car, shall also send electronic notification on the date said payment is made to [WR-Response@fcc.gov](mailto:WR-Response@fcc.gov)

11. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by both First Class Mail and Certified Mail, Return Receipt Requested, to DTG Operations Inc., d/b/a Dollar Rent-A-Car, 5330 E. 31<sup>st</sup> Street, Tulsa, Oklahoma 74153.

#### FEDERAL COMMUNICATIONS COMMISSION

Rebecca L. Dorch  
Regional Director, Western Region  
Enforcement Bureau

---

<sup>23</sup> 47 U.S.C. § 504(a).